

Message Text

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73

ACTION EUR-12

INFO OCT-01 IO-10 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07

L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

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INFO AMEMBASSY BONN

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E.O. 11652: GDS

TAGS: PFOR, CSCE, XG, GW

SUBJECT: CSCE: DECLARATION OF PRINCIPLES AND QRR

REF: GENEVA 2749

1. FOLLOWING IS TEXT OF PARAGRAPHS 4 AND 5 OF PRINCIPLES
SUBCOMMITTEE'S JOURNAL NO. 273, OF APRIL 18TH. TEXT IS
PROCEDURAL SOLUTION CONTAINING TECHNICALLY UNREGISTERED
RESULTS OF FIRST READING OF PRINCIPLE TEN (FULFILLMENT
IN GOOD FAITH OF OBLIGATIONS UNDER INTERNATIONAL
LAW); NOTICE OF READINESS TO REGISTER THE PACKAGE DEAL
SENTENCE FOR PRINCIPLE TEN AT THE APPROPRIATE MOMENT
(BUT NO AGREEMENT ON ITS LOCATION IN THE PRINCIPLE OR
THE POSSIBLE EDITORIAL CHANGES ALLOWED UNDER THE PACKAGE
DEAL); UNUSUAL SIX DELEGATION STATEMENT CONCERNING QRR
TEXT; AND DECISION TO PROCEED TO DISCUSS PLACEMENT OF
FIRST PRINCIPLE PACKAGE DEAL SENTENCE.

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2. BEGIN TEXT. (PARENTHESIS REPRESENT BRACKETS)

4. DOCUMENTS AND STATEMENTS SUBMITTED:

(A) SUB-COMMITTEE A HAS NOTED ITS AGREEMENT ON THE FOLLOWING TEXT WHICH IS READY FOR PROVISIONAL REGISTRATION:

-- "THE PARTICIPATING STATES WILL FULFILL IN GOOD FAITH THEIR OBLIGATIONS UNDER INTERNATIONAL LAW, BOTH THOSE OBLIGATIONS ARISING FROM THE GENERALLY RECOGNIZED PRINCIPLES AND RULES OF INTERNATIONAL LAW AND THOSE OBLIGATIONS ARISING FROM TREATIES OR OTHER INTERNATIONAL AGREEMENTS, (IN CONFORMITY WITH/UNDER THE GENERALLY RECOGNIZED PRINCIPLES AND RULES OF INTERNATIONAL LAW/THE CHARTER OF THE UNITED NATIONS/INTERNATIONAL LAW,) TO WHICH THEY ARE PARTIES."

-- "THE PARTICIPATING STATES CONFIRM THAT IN THE EVENT OF A CONFLICT BETWEEN THE OBLIGATIONS OF THE MEMBERS OF THE UNITED NATIONS UNDER THE CHARTER OF THE UNITED NATIONS AND THEIR OBLIGATIONS UNDER ANY (TREATY OR) OTHER INTERNATIONAL AGREEMENT (IN THE SENSE THAT THE IMPLEMENTATION OF SUCH AN AGREEMENT WOULD BE INCOMPATIBLE WITH THE PURPOSE AND PRINCIPLES OF THE CHARTER), THEIR OBLIGATIONS UNDER THE CHARTER WILL PREVAIL, IN ACCORDANCE WITH ARTICLE 103 OF THE CHARTER OF THE UNITED NATIONS."

(B) A NUMBER OF DELEGATIONS STATED THAT THEY MADE THEIR ACCEPTANCE OF REFERENCE TO "TREATIES OR OTHER INTERNATIONAL AGREEMENT" CONDITIONAL ON AGREEMENT ON AN APPROPRIATE QUALIFICATION.

(C) IT WAS AGREED THAT THE FOLLOWING PARAGRAPH IS READY FOR INCORPORATION IN THE TENTH PRINCIPLE WHEN THE CONDITIONS SPECIFIED IN JOURNAL NO. 33 OF THE CO-ORDINATING COMMITTEE HAVE BEEN FULFILLED:

-- "IN EXERCISING THEIR SOVEREIGN RIGHTS, INCLUDING LIMITED OFFICIAL USE

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THE RIGHT TO DETERMINE THEIR LAWS AND REGULATIONS, THEY WILL CONFORM WITH THEIR LEGAL OBLIGATIONS UNDER INTERNATIONAL LAW; THEY WILL FURTHERMORE PAY DUE REGARD TO AND IMPLEMENT THE PROVISIONS OF THE FINAL DOCUMENT/DOCUMENTS OF THE CSCE."

(D) THE SUB-COMMITTEE HAS TAKEN NOTE OF THE FOLLOWING STATEMENT OF THE DELEGATION OF FRANCE AND OF THE

DELEGATIONS OF THE FEDERAL REPUBLIC OF GERMANY, THE GERMAN DEMOCRATIC REPUBLIC, THE UNITED STATES OF AMERICA, THE UNITED KINGDOM AND THE UNION OF SOVIET SOCIALIST REPUBLICS;

-- "THE DELEGATION OF FRANCE AND THE DELEGATIONS OF THE FEDERAL REPUBLIC OF GERMANY, THE GERMAN DEMOCRATIC REPUBLIC, THE UNITED STATES OF AMERICA, THE UNITED KINGDOM AND THE UNION OF SOVIET SOCIALIST REPUBLICS RECALL THAT THE FOLLOWING SENTENCE APPEARING IN THE FRENCH PROPOSAL OF 13TH DECEMBER 1974 (DOCUMENT: CSCE/II/A/31/REV.1)

--- "THE PARTICIPATING STATES NOTE THAT THE PRESENT (TITLE OF DOCUMENT) CANNOT AND WILL NOT AFFECT THEIR RIGHTS, OBLIGATIONS OR RESPONSIBILITIES NOR THE TREATIES, AGREEMENTS OR ARRANGEMENTS IN CONFORMITY WITH INTERNATIONAL LAW WHICH REFLECT THEM, PREVIOUSLY ENTERED INTO BY THOSE STATES OR WHICH CONCERN THEM.'

WHICH HAS NOT YET BEEN THE SUBJECT OF ANY DEBATE WILL HAVE TO BE DISCUSSED AT A LATER DATE.

-- THEY SUGGEST THAT ON THE OCCASION OF THIS DISCUSSION IT SHOULD BE EXAMINED, INTER ALIA, WHETHER THE TEXT IS TO REMAIN IN THE TENTH PRINCIPLE OR TO APPEAR IN THE FINAL CLAUSES."

(E) REFER TO POINT 5 OF THIS JOURNAL.

5. DECISIONS TAKEN AND MEASURES ADOPTED:
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THE SUB-COMMITTEE WILL ADDRESS ITSELF TO THE PROVISIONAL REGISTRATION OF THE TENTH PRINCIPLE ON MONDAY, 28TH APRIL 1975. END TEXT. DALE

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